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7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Petition to Revoke Probation
Against:

13 CHARLES ALLEN HUMPHRIES
14 3204 Scenic Drive
Napa, California 94558

15 Registered Nurse License No. 482329
16 Public Health Nurse License No. 60890
Respondent.

Case No. 2006-35

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about May 22, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, filed Petition to
21 Revoke Probation No. 2006-35 against CHARLES ALLEN HUMPHRIES (Respondent).

22 2. On or about August 31, 1992, the Board of Registered Nursing (Board)
23 issued Registered Nurse License No. 482329 to Respondent. The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2008, unless renewed.

26 3. On or about August 4, 1999, the Board issued Public Health Nurse License
27 No. 60890 to Respondent. The license was in effect at all times relevant to the charges brought
28 herein, and will expire on January 31, 2008, unless renewed.

1 4. On or about June 5, 2007, Carol L. Grays, an employee of the Department
2 of Justice, served by Certified and First Class Mail a copy of Petition to Revoke Probation No.
3 2006-35, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
5 which was and is 3204 Scenic Drive, Napa, California 94558. A copy of Petition to Revoke
6 Probation No. 2006-35 is attached as Exhibit A, and is incorporated herein by reference.

7 5. Service of the Petition to Revoke Probation was effective as a matter of
8 law under the provisions of Government Code section 11505, subdivision (c).

9 6. Government Code section 11506 states, in pertinent part:

10 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
12 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

14 7. Respondent failed to file a Notice of Defense within 15 days after service
15 upon him of the Petition to Revoke Probation, and therefore waived his right to a hearing on the
16 merits of Petition to Revoke Probation No. 2006-35.

17 8. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions or
20 upon other evidence and affidavits may be used as evidence without any notice to
21 respondent."

22 9. Pursuant to its authority under Government Code section 11520, the Board
23 finds that Respondent is in default and has waived his right to a hearing. The Board will take
24 action without further hearing and, based on the evidence on file herein, determines that the
25 allegations in Petition to Revoke Probation No. 2006-35 are true.

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1 controlled substance.

2 vii. On or about November 29, 2006, Respondent tested positive for
3 Methadone, a controlled substance, and Oxymorphone, a controlled substance.

4 b. With regard to Condition #17, Respondent failed to submit to tests and
5 samples as follows:

6 i. On October 17, 2006, Respondent was directed by Board Staff to
7 submit to biological fluid testing. Respondent failed to appear for testing and failed to make
8 subsequent arrangements for testing.

9 ii. On December 14, 2006, Respondent was directed by Board Staff to
10 submit to biological fluid testing. Respondent failed to appear for testing and failed to make
11 subsequent arrangements for testing.

12 iii. Respondent failed to keep his account current with Compass
13 Vision and failed to call in to Compass Vision on a daily basis for drug screening, as required,
14 since January 1, 2007.

15 c. With regard to Condition #5, Respondent failed to submit written reports,
16 as follows:

17 i. Respondent failed to submit verification of his support group
18 meeting attendance.

19 ii. Respondent failed to submit or have submitted a documented
20 treatment plan from the prescribing physician for the drugs for which he tested positive, as set
21 forth above.

22 d. With regard to Condition #11, Respondent failed to make cost recovery by
23 not making regular cost recovery payments.

24 e. With regard to Condition #2, Respondent failed to comply with the
25 Board's Probation Program, by not following Probation Conditions Nos.16, 17, 5, and 11, as set
26 forth above.

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1 ORDER

2 IT IS SO ORDERED that Respondent's probation is revoked and the Order of
3 Revocation of Respondent's Registered Nurse License No. 482319 is reimposed, and
4 Respondent's Registered Nurse License No. 482319, heretofore issued to Respondent Charles
5 Allen Humphries, is revoked.

6 IT IS SO ORDERED that Respondent's probation is revoked and the Order of
7 Revocation of Respondent's Public Health License No. 60890 is reimposed, and Respondent's
8 Public Health License No. 60890, heretofore issued to Respondent Charles Allen Humphries, is
9 revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may
11 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
12 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
13 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
14 statute.

15 This Decision shall become effective on DECEMBER 15, 2007.

16 It is so ORDERED NOVEMBER 15, 2007

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19 FOR THE BOARD OF REGISTERED NURSING

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22 Attachment:

23 Exhibit A: Petition to Revoke Probation No.2006-35
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Exhibit A

Petition to Revoke Probation No. 2006-35

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT BENNETT
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke Probation
12 Against:

Case No. 2006-35

13 CHARLES ALLEN HUMPHRIES
3204 Scenic Drive
14 Napa, California 94558

**PETITION TO REVOKE
PROBATION**

15 Registered Nurse License No. 482329
Public Health Nurse No. 60890

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
22 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
23 Registered Nursing.

24 2. On or about August 31, 1992, the Board of Registered Nursing issued
25 Registered Nurse License No. 482329 to CHARLES ALLEN HUMPHRIES (Respondent). The
26 license was in effect at all times relevant to the charges brought herein, and will expire on
27 January 31, 2008, unless renewed. On or about August 4, 1999, the Board of Registered
28 Nursing issued Public Health Nurse License No. 60890 to Respondent. The license was in effect

1 at all times relevant to the charges brought herein, and will expire on January 31, 2008, unless
2 renewed.

3 3. In a disciplinary action entitled "In the Matter of Accusation Against
4 CHARLES ALLEN HUMPHRIES," Case 2006-35, issued a decision, effective May 5, 2006, in
5 which Respondent's Registered Nurse License and Public Health Nurse were revoked. However,
6 the revocations were stayed and Respondent's licenses were placed on probation for a period of
7 three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit
8 A and is incorporated by reference.

9 **DRUGS**

10 4. "Methadone Hydrochloride" is a Schedule II controlled substance as
11 designated by Health and Safety Code section 11055, subdivision (c)(14) and a dangerous drug
12 pursuant to Code section 4022.

13 5. "Oxycodone" is a Schedule II controlled substance as designated by
14 Health and Safety Code section 11055(b)(1)(N) and a dangerous drug pursuant to Code section
15 4022.

16 6. "Morphine Sulfate" is a Schedule II controlled substance as designated by
17 Health and Safety Code section 11055(b)(1)(M) and is a dangerous drug pursuant to Code
18 section 4022.

19 7. "Codeine" is a Schedule II controlled substance as designated by Health
20 and Safety Code section 11055(b)(1)(H) and is a dangerous drug pursuant to Code section 4022.

21 8. "Oxymorphone" is a Schedule II controlled substance as designated by
22 Health and Safety Code section 11055(b)(1)(O) and a dangerous drug pursuant to Code section
23 4022.

24 **PETITION TO REVOKE PROBATION**

25 **FIRST CAUSE TO REVOKE PROBATION**

26 **(Abstain from Psychotropic (Mood Altering) Drugs)**

27 9. At all times after the effective date of Respondent's probation, Condition
28 16 stated:

1 **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
2 completely abstain from the possession, injection or consumption by any route of
3 all controlled substances and all psychotropic (mood altering) drugs, including
4 alcohol, except when the same are ordered by a health care professional legally
5 authorized to do so as part of documented medical treatment. Respondent shall
6 have sent to the Board, in writing and within fourteen (14) days, by the
7 prescribing health professional, a report identifying the medication, dosage, the
8 date the medication was prescribed, the Respondent's prognosis, the date the
9 medication will no longer be required, and the effect on the recovery plan, if
10 appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or
12 physician assistant who shall be aware of Respondent's history of substance abuse
13 and will coordinate and monitor any prescriptions for Respondent for dangerous
14 drugs, controlled substances or mood-altering drugs. The coordinating physician,
15 nurse practitioner, or physician assistant shall report to the Board on a quarterly
16 basis Respondent's compliance with this condition. If any substances considered
17 addictive have been prescribed, the report shall identify a program for the time
18 limited use of any such substances.

19 The Board may require the single coordinating physician, nurse practitioner, or
20 physician assistant to be a specialist in addictive medicine, or to consult with a
21 specialist in addictive medicine.

22 10. Respondent's probation is subject to revocation because he failed to
23 comply with Probation Condition 16, referenced above, by failing to completely abstain from the
24 personal use or possession of psychotropic (mood altering) drugs or controlled substances, as
25 defined in the California Uniform Controlled Substances Act, and the same drugs were not
26 ordered by a health care professional legally authorized to prescribe them as part of documented
27 medical treatment, as follows:

28 a. On or about July 10, 2006, Respondent tested positive for Codeine, a
controlled substance.

 b. On or about August 4, 2006, Respondent tested positive for Methadone, a
controlled substance.

 c. On or about August 18, 2006, Respondent tested positive for Methadone, a
controlled substance.

 d. On or about September 6, 2006, Respondent tested positive for Morphine,
a controlled substance, and Oxycodone, a controlled substance.

 e. On or about September 13, 2006, Respondent tested positive for

1 Morphine, a controlled substance, and Oxycodone, a controlled substance.

2 f. On or about October 26, 2006, Respondent tested positive for Methadone,
3 a controlled substance, Oxycodone, a controlled substance, and Oxymorphone, a controlled
4 substance.

5 g. On or about November 29, 2006, Respondent tested positive for
6 Methadone, a controlled substance, and Oxymorphone, a controlled substance.

7 **SECOND CAUSE TO REVOKE PROBATION**

8 **(Submit to Tests and Samples)**

9 11. At all times after the effective date of Respondent's probation, Condition
10 17 stated:

11 **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a
12 random, biological fluid testing or a drug screening program which the Board
13 approves. The length of time and frequency will be subject to approval by the
14 Board. Respondent is responsible for keeping the Board informed of
15 Respondent's current telephone number at all times. Respondent shall also ensure
16 that messages may be left at the telephone number when he is not available and
17 ensure that reports are submitted directly by the testing agency to the Board, as
18 directed. Any confirmed positive finding shall be reported immediately to the
19 Board by the program and Respondent shall be considered in violation of
20 probation.

21 In addition, Respondent, at any time during the period of probation, shall fully
22 cooperate with the Board or any of its representatives, and shall, when requested,
23 submit to such tests and samples as the Board or its representatives may require
24 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
25 controlled substances.

26 If Respondent has a positive drug screen for any substance not legally authorized
27 and not reported to the coordinating physician, nurse practitioner, or physician
28 assistant, and the Board files a petition to revoke probation or an accusation, the
Board may suspend Respondent from practice pending the final decision on the
petition to revoke probation or the accusation. This period of suspension will not
apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug
screening program within the specified time frame, Respondent shall immediately
cease practice and shall not resume practice until notified by the Board. After
taking into account documented evidence of mitigation, if the Board files a
petition to revoke probation or an accusation, the Board may suspend Respondent
from practice pending the final decision on the petition to revoke probation or the
accusation. This period of suspension will not apply to the reduction of this
probationary time period.

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12. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 17, referenced above. The facts and circumstances regarding this violation are as follows:

a. On October 17, 2006, Respondent was directed by Board Staff to submit to biological fluid testing. Respondent failed to appear for testing and failed to make subsequent arrangements for testing.

b. On December 14, 2006, Respondent was directed by Board Staff to submit to biological fluid testing. Respondent failed to appear for testing and failed to make subsequent arrangements for testing.

c. Respondent failed to keep his account current with Compass Vision and failed to call in to Compass Vision on a daily basis for drug screening, as required, since January 1, 2007.

THIRD CAUSE TO REVOKE PROBATION

(Submit Written Reports)

13. At all times after the effective date of Respondent's probation, Condition 5 stated:

Submit Written Reports. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

14. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 5, referenced above. The facts and circumstances regarding this violation are as follows:

a. Respondent failed to submit verification of his support group meeting attendance.

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1 b. Respondent failed to submit or have submitted a documented treatment
2 plan from the prescribing physician for the drugs for which he tested positive, as set forth above
3 in paragraph 15.

4 **FOURTH CAUSE TO REVOKE PROBATION**

5 **(Cost Recovery)**

6 15. At all times after the effective date of Respondent's probation, Condition
7 11 stated:

8 **Cost Recovery.** Respondent shall pay to the Board costs associated with its
9 investigation and enforcement pursuant to Business and Professions Code section
10 125.3 in the amount of \$2,478.00 (two thousand four hundred seventy eight
11 dollars). Respondent shall be permitted to pay these costs in a payment plan
approved by the Board, with payments to be completed no later than three months
prior to the end of the probation term.

12 If Respondent has not complied with this condition during the probationary term,
13 and Respondent has presented sufficient documentation of his good faith efforts to
14 comply with this condition, and if no other conditions have been violated, the
Board, in its discretion, may grant an extension of Respondent's probation period
up to one year without further hearing in order to comply with this condition.
During the one year extension, all original conditions of probation will apply.

15 16. Respondent's probation is subject to revocation because he failed to comply
16 with Probation Condition 11, referenced above. The facts and circumstances regarding this
17 violation are as follows:

18 a. Respondent failed to submit regular cost recovery payments.

19 **FIFTH CAUSE TO REVOKE PROBATION**

20 **(Comply with Board's Probation Program)**

21 17. At all times after the effective date of Respondent's probation, Condition 2
22 stated:

23 **Comply with the Board's Probation Program.** Respondent shall fully comply
24 with the conditions of the Probation Program established by the Board and
25 cooperate with representatives of the Board in its monitoring and investigation of
the Respondent's compliance with the Board's Probation Program. Respondent
26 shall inform the Board in writing within no more than 15 days of any address
change and shall at all times maintain an active, current license status with the
27 Board, including during any period of suspension.

28 Upon successful completion of probation, Respondent's license shall be fully
restored.

1 18. Respondent's probation is subject to revocation because he failed to comply
2 with Probation Conditions 16, 17, 5, and 11, as set forth above.

3 **PRAYER**


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board issue a decision:

6 1. Revoking the probation that was granted by the Board in Case No.2006-35
7 and imposing the disciplinary order that was stayed, thereby revoking Registered Nurse License
8 Number 482329, issued to CHARLES ALLEN HUMPHRIES;

9 2. Revoking the probation that was granted by the Board in Case No.2006-35
10 and imposing the disciplinary order that was stayed, thereby revoking Public Health Nurse
11 License Number 60890, issued to CHARLES ALLEN HUMPHRIES;

12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 5/22/07

15
16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 State of California
21 Complainant

22 03579110-SF2007400820
23 CSR: 04.26.07
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Exhibit A
Decision and Order
Board of Registered Nursing Case No. 2006-35

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA BEFORE THE

In the Matter of the Accusation Against:

CHARLES ALLEN HUMPHRIES
3204 Scenic Drive
Napa, CA 94558

Registered Nurse License No. 482329
Public Health Nurse License No. 60890

Respondent.

Case No. 2006-35

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on MAY 5, 2006

It is so ORDERED April 5, 2006

LaThane W Tate

FOR THE BOARD OF REGISTERED NURSING

1 BILL LOCKYER, Attorney General
2 of the State of California
3 CAROL S. ROMEO, State Bar No. 124910
4 Deputy Attorney General
5 California Department of Justice
6 1515 Clay Street, 20th Floor
7 P.O. Box 70550
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9 Telephone: (510) 622-2141
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11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

17 CHARLES ALLEN HUMPHRIES
18 3204 Scenic Drive
19 Napa, CA 94558

20 Registered Nurse License No. 482329
21 Public Health Nurse License No. 60890

22 Respondent.

Case No. 2006-35

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
24 above-entitled proceedings that the following matters are true:

PARTIES

25 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
26 the Board of Registered Nursing. She brought this action solely in her official capacity and is
27 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Carol
28 S. Romeo, Deputy Attorney General.

2. CHARLES ALLEN HUMPHRIES (Respondent) is representing himself
in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 31, 1992, the Board of Registered Nursing issued
Registered Nurse License No. 482329 to CHARLES ALLEN HUMPHRIES. The License was in
full force and effect at all times relevant to the charges brought in Accusation No. 2006-35 and

1 will expire on January 31, 2006, unless renewed.

2 4. On or about August 4, 1999, the Board of Registered Nursing issued
3 Public Health Nurse License No. 60890 to CHARLES ALLEN HUMPHRIES (Respondent).
4 The License was in full force and effect at all times relevant to the charges brought in Accusation
5 No. 2006-35 and will expire on January 31, 2006, unless renewed.

6 JURISDICTION

7 5. Accusation No. 2006-35 was filed before the Board of Registered Nursing
8 (Board), and is currently pending against Respondent. The Accusation and all other statutorily
9 required documents were properly served on Respondent on September 22, 2005. Respondent
10 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2006-35
11 is attached as Exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, and understands the charges and allegations
14 in Accusation No. 2006-35. Respondent has also carefully read, and understands the effects of
15 this Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of his legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
19 the right to present evidence and to testify on his own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in
27 Accusation No. 2006-35.

28 10. Respondent agrees that his Registered Nurse License and Public Health

1 Nurse License are subject to discipline and he agrees to be bound by the Board's imposition of
2 discipline as set forth in the Disciplinary Order below.

3 CONTINGENCY

4 12. The parties hereto acknowledge that this Stipulated Settlement constitutes
5 an offer in settlement to the Board and is not effective until adoption by said agency.

6 13. The parties hereto stipulate that in the event that this Stipulated Settlement
7 is not adopted by the Board, nothing herein recited shall be construed as a waiver of respondent's
8 right to a hearing or as an admission of the truth of any of the matters charged in the accusation.

9 14. The parties understand and agree that facsimile copies of this Stipulated
10 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
11 force and effect as the originals.

12 15. In consideration of the foregoing admissions and stipulations, the parties
13 agree that the Board may, without further notice or formal proceeding, issue and enter the
14 following Disciplinary Order:

15 DISCIPLINARY ORDER

16 IT IS HEREBY ORDERED that Registered Nurse License No. 482329 and Public
17 Health Nurse License No. 60890 issued to Respondent are revoked. However, the revocations
18 are stayed and Respondent is placed on probation for three (3) years on the following terms and
19 conditions.

20 **Severability Clause.** Each condition of probation contained herein is a separate
21 and distinct condition. If any condition of this Order, or any application thereof, is declared
22 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
23 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
24 and enforceable to the fullest extent permitted by law.

25 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
26 A full and detailed account of any and all violations of law shall be reported by Respondent to
27 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
28 compliance with this condition, Respondent shall submit completed fingerprint forms and

1 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
2 as part of the licensure application process.

3 **Criminal Court Orders:** If Respondent is under criminal court orders, including
4 probation or parole, and the order is violated, this shall be deemed a violation of these probation
5 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

6 2. **Comply with the Board's Probation Program.** Respondent shall fully
7 comply with the conditions of the Probation Program established by the Board and cooperate
8 with representatives of the Board in its monitoring and investigation of the Respondent's
9 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
10 within no more than 15 days of any address change and shall at all times maintain an active,
11 current license status with the Board, including during any period of suspension.

12 Upon successful completion of probation, Respondent's license shall be fully
13 restored.

14 3. **Report in Person.** Respondent, during the period of probation, shall
15 appear in person at interviews/meetings as directed by the Board or its designated
16 representatives.

17 4. **Residency, Practice, or Licensure Outside of State.** Periods of
18 residency or practice as a registered nurse outside of California shall not apply toward a reduction
19 of this probation time period. Respondent's probation is tolled, if and when he resides outside of
20 California. Respondent must provide written notice to the Board within 15 days of any change of
21 residency or practice outside the state, and within 30 days prior to re-establishing residency or
22 returning to practice in this state.

23 Respondent shall provide a list of all states and territories where he has ever been
24 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
25 provide information regarding the status of each license and any changes in such license status
26 during the term of probation. Respondent shall inform the Board if he applies for or obtains a
27 new nursing license during the term of probation.

28 //

1 5. **Submit Written Reports.** Respondent, during the period of probation,
2 shall submit or cause to be submitted such written reports/declarations and verification of actions
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation
5 Program. Respondent shall immediately execute all release of information forms as may be
6 required by the Board or its representatives.

7 Respondent shall provide a copy of this Decision to the nursing regulatory agency
8 in every state and territory in which he has a registered nurse license.

9 6. **Function as a Registered Nurse.** Respondent, during the period of
10 probation, shall engage in the practice of registered nursing in California for a minimum of 24
11 hours per week for 6 consecutive months or as determined by the Board.

12 For purposes of compliance with this condition, "engage in the practice of
13 registered nursing" may include, when approved by the Board, volunteer work as a registered
14 nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

15 The Board may require that advanced practice nurses engage in advanced practice
16 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
17 Board.

18 If Respondent has not complied with this condition during the probationary term,
19 and Respondent has presented sufficient documentation of his good faith efforts to comply with
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may
21 grant an extension of Respondent's probation period up to one year without further hearing in
22 order to comply with this condition. During the one year extension, all original conditions of
23 probation shall apply.

24 7. **Employment Approval and Reporting Requirements.** Respondent
25 shall obtain prior approval from the Board before commencing or continuing any employment,
26 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
27 performance evaluations and other employment related reports as a registered nurse upon request
28 of the Board.

1 Respondent shall provide a copy of this Decision to his employer and immediate
2 supervisors prior to commencement of any nursing or other health care related employment.

3 In addition to the above, Respondent shall notify the Board in writing within
4 seventy-two (72) hours after he obtains any nursing or other health care related employment.
5 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated
6 or separated, regardless of cause, from any nursing, or other health care related employment with
7 a full explanation of the circumstances surrounding the termination or separation.

8 **8. Supervision.** Respondent shall obtain prior approval from the Board
9 regarding Respondent's level of supervision and/or collaboration before commencing or
10 continuing any employment as a registered nurse, or education and training that includes patient
11 care.

12 Respondent shall practice only under the direct supervision of a registered nurse
13 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
14 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
15 are approved.

16 Respondent's level of supervision and/or collaboration may include, but is not
17 limited to the following:

18 (a) Maximum - The individual providing supervision and/or collaboration is
19 present in the patient care area or in any other work setting at all times.

20 (b) Moderate - The individual providing supervision and/or collaboration is in
21 the patient care unit or in any other work setting at least half the hours Respondent works.

22 (c) Minimum - The individual providing supervision and/or collaboration has
23 person-to-person communication with Respondent at least twice during each shift worked.

24 (d) Home Health Care - If Respondent is approved to work in the home health
25 care setting, the individual providing supervision and/or collaboration shall have person-to-
26 person communication with Respondent as required by the Board each work day. Respondent
27 shall maintain telephone or other telecommunication contact with the individual providing
28 supervision and/or collaboration as required by the Board during each work day. The individual

1 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
2 site visits to patients' homes visited by Respondent with or without Respondent present.

3 **9. Employment Limitations.** Respondent shall not work for a nurse's
4 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
5 traveling nurse, or for an in-house nursing pool.

6 Respondent shall not work for a licensed home health agency as a visiting nurse
7 unless the registered nursing supervision and other protections for home visits have been
8 approved by the Board. Respondent shall not work in any other registered nursing occupation
9 where home visits are required.

10 Respondent shall not work in any health care setting as a supervisor of registered
11 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
12 nurses and/or unlicensed assistive personnel on a case-by-case basis.

13 Respondent shall not work as a faculty member in an approved school of nursing
14 or as an instructor in a Board approved continuing education program.

15 Respondent shall work only on a regularly assigned, identified and predetermined
16 worksite(s) and shall not work in a float capacity.

17 If Respondent is working or intends to work in excess of 40 hours per week, the
18 Board may request documentation to determine whether there should be restrictions on the hours
19 of work.

20 **10. Complete a Nursing Course(s).** Respondent, at his own expense, shall
21 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
22 than six months prior to the end of his probationary term.

23 Respondent shall obtain prior approval from the Board before enrolling in the
24 course(s). Respondent shall submit to the Board the original transcripts or certificates of
25 completion for the above required course(s). The Board shall return the original documents to
26 Respondent after photocopying them for its records.

27 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with
28 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the

1 amount of \$2,478.00 (two thousand four hundred seventy eight dollars). Respondent shall be
2 permitted to pay these costs in a payment plan approved by the Board, with payments to be
3 completed no later than three months prior to the end of the probation term.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of his good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation will apply.

10 **12. Violation of Probation.** If Respondent violates the conditions of his
11 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
12 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

13 If during the period of probation, an accusation or petition to revoke probation has
14 been filed against Respondent's license or the Attorney General's Office has been requested to
15 prepare an accusation or petition to revoke probation against Respondent's license, the
16 probationary period shall automatically be extended and shall not expire until the accusation or
17 petition has been acted upon by the Board.

18 **13. License Surrender.** During Respondent's term of probation, if he ceases
19 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
20 probation, Respondent may surrender his license to the Board. The Board reserves the right to
21 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
22 take any other action deemed appropriate and reasonable under the circumstances, without
23 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
24 will no longer be subject to the conditions of probation.

25 Surrender of Respondent's license shall be considered a disciplinary action and
26 shall become a part of Respondent's license history with the Board. A registered nurse whose
27 license has been surrendered may petition the Board for reinstatement no sooner than the
28 following minimum periods from the effective date of the disciplinary decision:

1 (1) Two years for reinstatement of a license that was surrendered for any
2 reason other than a mental or physical illness; or

3 (2) One year for a license surrendered for a mental or physical illness.

4 14. **Physical Examination.** Within 45 days of the effective date of this
5 Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or
6 physician assistant, who is approved by the Board before the assessment is performed, submit an
7 assessment of the Respondent's physical condition and capability to perform the duties of a
8 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
9 medically determined, a recommended treatment program will be instituted and followed by the
10 Respondent with the physician, nurse practitioner, or physician assistant providing written
11 reports to the Board on forms provided by the Board.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed physician, nurse practitioner, or physician assistant making this determination shall
14 immediately notify the Board and Respondent by telephone, and the Board shall request that the
15 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
16 shall immediately cease practice and shall not resume practice until notified by the Board.
17 During this period of suspension, Respondent shall not engage in any practice for which a license
18 issued by the Board is required until the Board has notified Respondent that a medical
19 determination permits Respondent to resume practice. This period of suspension will not apply
20 to the reduction of this probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

28 //

1 15. **Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six months duration. As required, reports
5 shall be submitted by the program on forms provided by the Board. If Respondent has not
6 completed a Board-approved treatment/rehabilitation program prior to commencement of
7 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
8 a program. If a program is not successfully completed within the first nine months of probation,
9 the Board shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to
11 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
12 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
13 by the Board. If a nurse support group is not available, an additional 12-step meeting or
14 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
15 such attendance to the Board during the entire period of probation. Respondent shall continue
16 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
17 mental health examiner and/or other ongoing recovery groups.

18 16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
19 shall completely abstain from the possession, injection or consumption by any route of all
20 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
21 the same are ordered by a health care professional legally authorized to do so as part of
22 documented medical treatment. Respondent shall have sent to the Board, in writing and within
23 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
24 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
25 medication will no longer be required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse and will
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
2 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or
6 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
7 addictive medicine.

8 17. **Submit to Tests and Samples.** Respondent, at his expense, shall
9 participate in a random, biological fluid testing or a drug screening program which the Board
10 approves. The length of time and frequency will be subject to approval by the Board.
11 Respondent is responsible for keeping the Board informed of Respondent's current telephone
12 number at all times. Respondent shall also ensure that messages may be left at the telephone
13 number when he is not available and ensure that reports are submitted directly by the testing
14 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
15 to the Board by the program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully
17 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
18 tests and samples as the Board or its representatives may require for the detection of alcohol,
19 narcotics, hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized
21 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
22 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
23 from practice pending the final decision on the petition to revoke probation or the accusation.
24 This period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug
26 screening program within the specified time frame, Respondent shall immediately cease practice
27 and shall not resume practice until notified by the Board. After taking into account documented
28 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the

1 Board may suspend Respondent from practice pending the final decision on the petition to
2 revoke probation or the accusation. This period of suspension will not apply to the reduction of
3 this probationary time period.

4 18. **Mental Health Examination.** Respondent shall, within 45 days of the
5 effective date of this Decision, have a mental health examination including psychological testing
6 as appropriate to determine his capability to perform the duties of a registered nurse. The
7 examination will be performed by a psychiatrist, psychologist or other licensed mental health
8 practitioner approved by the Board. The examining mental health practitioner will submit a
9 written report of that assessment and recommendations to the Board. All costs are the
10 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
11 result of the mental health examination will be instituted and followed by Respondent.

12 If Respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed mental health care practitioner making this determination shall immediately notify
14 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
16 practice and may not resume practice until notified by the Board. During this period of
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board
18 is required, until the Board has notified Respondent that a mental health determination permits
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this
20 probationary time period.

21 If Respondent fails to have the above assessment submitted to the Board within
22 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
23 practice until notified by the Board. This period of suspension will not apply to the reduction of
24 this probationary time period. The Board may waive or postpone this suspension only if
25 significant, documented evidence of mitigation is provided. Such evidence must establish good
26 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
27 provided. Only one such waiver or extension may be permitted.

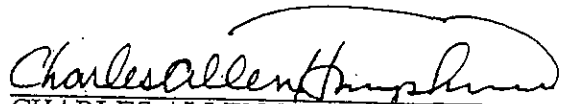
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1 19. **Therapy or Counseling Program.** Respondent, at his expense, shall
2 participate in an on-going counseling program until such time as the Board releases him from this
3 requirement and only upon the recommendation of the counselor. Written progress reports from
4 the counselor will be required at various intervals.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my Registered Nurse License and my
8 Public Health Nurse License. I enter into this Stipulated Settlement and Disciplinary Order
9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
10 Board.

11 DATED: 11 / 9 / 2005

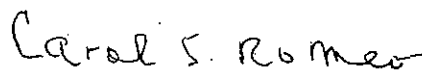
12
13 
14 CHARLES ALLEN HUMPHRIES
15 Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Board.

19
20 DATED: 11/22/05

21 BILL LOCKYER, Attorney General
22 of the State of California

23 
24 CAROL S. ROMEO
25 Deputy Attorney General
26 Attorneys for Complainant
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Exhibit A
Accusation No. 2006-35

1 BILL LOCKYER, Attorney General
of the State of California
2 CAROL S. ROMEO, State Bar No. 124910
Deputy Attorney General
3 California Department of Justice
1515 Clay Street, 20th Floor
4 P.O. Box 70550
Oakland, CA 94612-0550
5 Telephone: (510) 622-2141
Facsimile: (510) 622-2270

6 Attorneys for Complainant
7

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER
STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 CHARLES ALLEN HUMPHRIES
3204 Scenic Drive
13 Napa, CA 94558

14 Registered Nurse License No. 482329
Public Health Nurse License No. 60890

15
16 Respondent.

Case No. 2006-35

ACCUSATION

17 Complainant alleges:

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PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
Department of Consumer Affairs.

2. On or about August 31, 1992, the Board of Registered Nursing issued
Registered Nurse License Number 482329 to CHARLES ALLEN HUMPHRIES (Respondent).
The Registered Nurse License was in full force and effect at all times relevant to the charges
brought herein and will expire on January 31, 2006, unless renewed.

3. On or about August 4, 1999, the Board of Registered Nursing issued
Public Health Nurse License Number 60890 to Respondent. The Public Health Nurse License
was in full force and effect at all times relevant to the charges brought herein and will expire on

January 31, 2006, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code states, in pertinent part, that "[t]he board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

8. Section 2762 of the Code states, in pertinent part, that "[i]n addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself, or furnish

1 or administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022.

4 "(b) Use any controlled substance as defined in Division 10 (commencing with
5 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
6 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
7 injurious to himself or herself, any other person, or the public or to the extent that such use
8 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
9 license.

10 "(c) Be convicted of a criminal offense involving the prescription, consumption,
11 or self-administration of any of the substances described in subdivisions (a) and (b) of this
12 section, or the possession of, or falsification of a record pertaining to, the substances described in
13 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
14 thereof.

15
16 9. Section 490 of the Code states, in pertinent part, that "[a] board may
17 suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the
18 crime is substantially related to the qualifications, functions, or duties of the business or
19 profession for which the license was issued. A conviction within the meaning of this section
20 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
21 which a board is permitted to take following the establishment of a conviction may be taken
22 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
23 or when an order granting probation is made suspending the imposition of sentence, irrespective
24 of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Substantially Related Conviction)**

3 11. Respondent is subject to discipline under sections 2761(f) and 490 of the
4 Code in that he was convicted of a crime substantially related to the qualifications, functions or
5 duties of a licensed registered nurse and public health nurse in that on or about March 3, 2004, in
6 the Superior Court of California, Sonoma County, Case Number TCR-434156, entitled *The*
7 *People of the State of California v. Charles Allen Humphries*, Respondent was convicted by the
8 court on his plea of no contest of one count of violating Vehicle Code section 23152(b) (driving
9 with a blood alcohol content of .08% and more) and admitted the enhancement pursuant to
10 Vehicle Code section 23578 of driving while having a blood alcohol content of .20% or more.
11 Respondent also admitted that he had one prior conviction in May 2002 of violating Vehicle
12 Code section 23152(a) (driving under the influence). The factual circumstances surrounding the
13 conviction in Case Number TCR-434156 are as follows:

14 a. On or about January 6, 2004, in Healdsburg, California,
15 Respondent was driving his vehicle while his blood alcohol content was .29%, in violation of
16 Vehicle Code 23152(b). Respondent was also driving while his license was suspended or
17 revoked, in violation of Vehicle Code section 14601.5(a).

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Conviction of a Crime Involving Alcoholic Beverage)**

20 12. Respondent is subject to discipline under section 2761(a) of the Code on
21 the grounds of unprofessional conduct as defined by Code section 2762(c) in that on or about
22 March 3, 2004, respondent was convicted of a crime involving the consumption of alcoholic
23 beverages, a substance described in section 2762(b) of the Code, as set forth above, in paragraph
24 11.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Using Alcoholic Beverages to an Injurious Extent)**

27 13. Respondent is subject to discipline under section 2761(a) of the Code on
28 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about

1 January 6, 2004, Respondent used and was under the influence of alcoholic beverages while
2 driving a vehicle. Said conduct was dangerous to himself and the public, as set forth above, in
3 paragraph 11.

4 FOURTH CAUSE FOR DISCIPLINE

5 (Substantially Related Conviction)

6 14. Respondent is subject to discipline under sections 2761(f) and 490 of the
7 Code in that he was convicted of a crime substantially related to the qualifications, functions or
8 duties of a licensed registered nurse and public health nurse in that on or about March 3, 2004,
9 in the Superior Court of California, Napa County, Case Number CR115646, entitled *The People*
10 *of the State of California v. Charles Allen Humphries*, Respondent was convicted by the court
11 on his plea of no contest of one count of violating Vehicle Code section 23152(a) (driving while
12 under the influence) and admitted to having one prior conviction, which occurred in May 2002
13 for violating Vehicle Code section 23152(a). The factual circumstances surrounding the
14 conviction in Case Number CR-115646 are as follows:

15 a. On or about October 30, 2003, in Napa County, California, Respondent,
16 while driving under the influence, rear ended a vehicle, causing that vehicle to rear end the back
17 of another vehicle.

18 FIFTH CAUSE FOR DISCIPLINE

19 (Conviction of a Crime Involving Alcoholic Beverage)

20 15. Respondent is subject to discipline under section 2761(a) of the Code on
21 the grounds of unprofessional conduct as defined by Code section 2762(c) in that on or about
22 March 3, 2004, Respondent was convicted of a crime involving the consumption of alcoholic
23 beverages, a substance described in section 2762(b) of the Code, as set forth above, in paragraph
24 14.

25 SIXTH CAUSE FOR DISCIPLINE

26 (Using Alcoholic Beverages to an Injurious Extent)

27 16. Respondent is subject to discipline under section 2761(a) of the Code on
28 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about

1 October 30, 2003, Respondent used and was under the influence of alcoholic beverages while
2 driving a vehicle. Said conduct was dangerous to himself and the public, as set forth above, in
3 paragraph 14.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 **(Substantially Related Conviction)**

6 17. Respondent is subject to discipline under sections 2761(f) and 490 of the
7 Code in that he was convicted of a crime substantially related to the qualifications, functions or
8 duties of a licensed registered nurse and public health nurse in that on or about May 31, 2002, in
9 the Superior Court of California, Napa County, Case Number CR109334, entitled *The People of*
10 *the State of California v. Charles Allen Humphries*, Respondent was convicted by the court on
11 his plea of no contest of one count of violating Vehicle Code section 23152(b) (driving while
12 under the influence) and admitted the enhancement pursuant to Vehicle Code section 23578 of
13 driving while having a blood alcohol content of .20% or more. The factual circumstances
14 surrounding the conviction in Case Number CR109334 are as follows:

15 a. On or about May 12, 2002, in Napa County, California, Respondent was
16 driving his vehicle while under the influence of alcohol, in violation of Vehicle Code section
17 23152(a), and while his blood alcohol content was .26%.

18 **EIGHTH CAUSE FOR DISCIPLINE**

19 **(Conviction of a Crime Involving Alcoholic Beverages)**

20 18. Respondent is subject to discipline under section 2761(a) of the Code on
21 the grounds of unprofessional conduct as defined by Code section 2762(c) in that on or about
22 May 31, 2002, Respondent was convicted of a crime involving the consumption of alcoholic
23 beverages, a substance described in section 2762(b) of the Code, as set forth above, in paragraph
24 17.

25 **NINTH CAUSE FOR DISCIPLINE**

26 **(Using Alcoholic Beverages to an Injurious Extent)**

27 19. Respondent is subject to discipline under section 2761(a) of the Code on
28 the grounds of unprofessional conduct as defined in Code section 2762(b), in that on or about

1 May 12, 2002, Respondent used and was under the influence of alcoholic beverages while
2 driving a vehicle. Said conduct was dangerous to himself and the public, as set forth above, in
3 paragraph 17.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board issue a decision:


7 1. Revoking or suspending Registered Nurse License Number 482329, issued
8 to CHARLES ALLEN HUMPHRIES;

9 2. Revoking or suspending Public Health Nurse License Number 60890,
10 issued to CHARLES ALLEN HUMPHRIES.

11 3. Ordering CHARLES ALLEN HUMPHRIES to pay the Board of
12 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Business and Professions Code section 125.3;

14 4. Taking such other and further action as deemed necessary and proper.

15 DATED: 9/13/05

16
17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 State of California
22 Complainant
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CSR: 8/31/05